



U.S. Department of Justice

United States  
Southern Dis86 Chambers Street  
New York, New York

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 8/31/21

August 31, 2021

VIA ECF

Hon. Alison J. Nathan  
United States District Judge  
United States District Court  
40 Foley Square  
New York, New York 10007

**Re: *Malik v. USCIS, et al.*, No. 21 Civ. 3996 (AJN)**

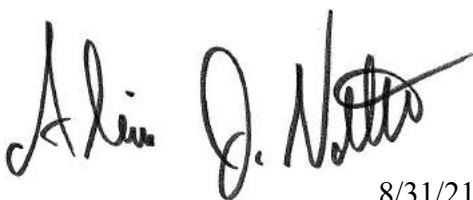
Dear Judge Nathan:

This Office represents the government in the above referenced action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Petition for Alien Entrepreneur (Form I-526). By Order dated August 27, 2021, the Court directed the parties to submit their proposed case management plan and joint letter by September 3, 2021, and to advise the Court whether the parties wished to proceed with the September 10 initial conference. *See ECF No. 38.* I write on behalf of both sides to respectfully request that the Court adjourn the initial conference *sine die* and extend the date for the parties’ submissions to October 4, 2021 (the current deadline for the government to respond to the complaint). *See ECF No. 37.*

SO ORDERED.

The adjournment and extension are requested because, as previously noted, the plaintiff’s I-526 petition is based on an investment in an economic regional center under the EB-5 Immigrant Investor Program and the statutory authorization for that program lapsed as of June 30, 2021. *See ECF Nos. 34, 36.* The Court previously has granted two extensions of the government’s deadline to respond to the complaint in light of this lapse. *See ECF Nos. 35, 37.* Unfortunately, the undersigned inadvertently neglected to request adjournment of the September 10 conference along with the most recent extension request. The parties respectfully submit that this case should not proceed until at least October 4, 2021, which will allow them time to monitor whether Congress will renew the statutory authorization and to assess the impact of such reauthorization (or lack thereof) on this litigation. *Should Congress re-authorize the Regional Center Program prior to October 4, the government will promptly notify the Court.* The plaintiff consents to this request.

SO ORDERED.  
I thank the Court for its consideration of this request.

  
 SO ORDERED.  
 ALISON J. NATHAN, U.S.D.J.  
 8/31/21

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney

By: s/ Michael J. Byars  
 MICHAEL J. BYARS  
 Assistant United States Attorney  
 Telephone: (212) 637-2793  
 Facsimile: (212) 673-2786  
 E-mail: michael.byars@usdoj.gov

cc: Counsel of Record (via ECF)